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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,641	08/31/1999	BEN BALDWIN	SAB-017	1633

7590

10/08/2002

LAW OFFICES OF DAVID P GORDON  
65 WOODS END ROAD  
STAMFORD, CT 06905

EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 10/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/386,641**

Applicant(s)  
**BALDWIN ET AL**

Examiner  
**Romain Jeanty**

Art Unit  
**3623**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 15, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### **Response to Amendment**

1. This communication is in response to the amendment filed on 7/8/2002 in which claims 1, 3, 4, 18 and 19 have been amended. Claims 21-27 have been added. Claims 1-27 are pending in the application.

### **Objection**

2. Claim 20 is objected to because of the following informalities: It appears that --with-- is missing after communication in line 2. Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "said defined attributes" in line 2. There is insufficient antecedent basis for this limitation in the claim. Applicant is requested to amend the claim to recite proper antecedent basis.

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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**(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invent**

5. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puram et al (6,289,340 herein referred to as Puram) in view of Durand et al (US 6,272,467 hereinafter Durand).

Regarding claims 1 and 16, 18 and 19, Puram discloses:

a computer having a processor and a memory for communicating (see figure 1).

receiving employment position data measuring a plurality of defined personality traits for suitable candidates for each employment position from said employer (i.e. table 186 for receiving information) (col. 5, lines 62 through col. 6, line 15); and

storing said received employment position data for an employer with the skills required for a candidate (col. 2, lines 44-50);

receiving and storing the individual candidates data (col. 3, line 62 through col. 4, line 65).

Comparing (matching) the candidate information with employment position information (See figure 1c, element 69 and col. 7, lines 48-51) and providing a list of job positions to the candidate (See figure 6 and col. 9, lines 39-53).

Puram does explicitly disclose receiving personality traits of the candidate. Durand on the other hand, discloses a data collection system that matches job hunters with employers using personality traits (see abstract and col. 8, line 66 through col. 9, line 20). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have modified the disclosure of Puram by including the personality traits as evidenced by Durand. The motivation being for assessing a candidate's suitability and competency for a job position.

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Regarding claim 2, Puram further discloses a computing device for performing the steps in claim 1 above (See figure 2 and col 7, line 7).

Regarding claim 3, Puram discloses providing said candidate questionnaire in order to determine said individual candidate data (col 6, lines 16-27).

Regarding claims 4 and 5, Puram discloses providing an employee questionnaire to successful employee, filling each specific employment positions to determine said employment position data (i.e. an employee filling out information) (see figure 2 and col. 6, lines 16-27).

Regarding claims 6 and 7, Puram discloses receiving employment position and numerical values (see claim 1 above) but does not explicitly disclose data indicative of a range of values of a single personality traits of a suitable candidate for one of said employment position. Durand discloses data having calculating a score of personality traits (col. 4, lines 34-65). It would have been obvious to a person of ordinary skill in the art to modify the disclosure of Puram by including data indicative of values of a single traits as evidenced by Durand. The motivation being for assessing a candidate's suitability and competency for a job position.

Regarding claims 8 and 9, Puram discloses numerical values for the employee (col. 4, lines 18-60).

Regarding claims 10 and 11, Puram discloses a table for calculating a metric comparing each trait "skill level" of said candidate and calculating a difference between a value for said trait of said candidate (see figure 3 and col. 7, lines 5-39).

Regarding claim 12, Puram further discloses summing all of said metric to arrive at a score indicative of said candidate's suitability for an employee position (see figures 11 a-b, col. 5, lines 21-28; col. 6, lines 49-53).

Regarding claims 13 and 14, the combination of Puram and Durand does not explicitly disclose providing the candidate with an authenticator and authenticating said candidate. Official Notice is taken that providing a user with an authenticator such as a private password is old and

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well known in the encryption art. Incorporating this well known technique into the Durand's disclosure would provide secure the integrity of the information in the list, thereby preventing the data from being accessed by an unauthorized user.

Regarding claim 15, the combination of Puram and Duran discloses a providing a list to the user but fails to explicitly disclose a list that includes identifiers of each employers. However, Since the invention of Durand could be used in an employment (employer) environment, including identifiers of each employers into the disclosure of Durand would have been obvious to a skilled artisan in order to facilitate the candidate to identify and select a desired employer.

Regarding claim 17, Puram discloses an attribute from the list comprising the skill level of the candidate(i.e. industry/organization skill level) (Col. 4, lines 30-39).

Regarding claim 20. Puram discloses a network interface, in communication with a processor for interconnecting with a computer network to receive employment position data and said individual candidate data from said computer network (see figure 1b and col. 2 line 59 through col. 3, line 2).

Regarding claims 22 and 25-27, Puram discloses:

storing personality profile information (col. 1, lines 8-13);

storing employment positions data and skills required for the positions (col. 2, lines 44-53);

administer a questionnaire to an employment seeker (i.e. a candidate entering his or her skills information) (col. 3, lines 50-58), storing the candidate's skills information (col. 5, lines 30-35). It is noted that since the candidates' skills information is stored, it implies that skill information has been received.

assessing the skills of the candidate (col. 4, lines 13-18);

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Comparing (matching) the candidate information with employment position information (See figure 1c, element 69 and col. 7, lines 48-51) and identifying the qualified candidates for a position (col. 3, lines 42-47).

Puram does explicitly disclose receiving personality traits information. Durand on the other hand, discloses a data collection system that matches job hunters with employers using personality traits (see abstract and col. 8, line 66 through col. 9, line 20). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have modified the disclosure of Puram by including the personality traits as evidenced by Durand. The motivation being for assessing a candidate's suitability and competency for a job position.

Regarding claims 22 and 24, Puran and Durand discloses presenting questionnaire to a candidate. But the combination of Puran and Duran fails to explicitly disclose a psychometric test to assess a personality profile. However it would have been obvious to a person of ordinary skill in the art to incorporate a psychometric test in the disclosures of Puran and Duran in order to provide employees with information of their particular strengths and also on areas where they may need to develop.

### **Response to Argument**

6. Applicant's arguments filed August 17, 2002 have been fully considered but they are not persuasive.

### **Remarks**

7. Applicant asserts that neither Durand nor Puram discloses the claimed invention. Applicants further supported their arguments by arguing that neither Durand and Puram suggest use of personality profiles to filter actual available employment positions/opportunities identified to a candidate. The examiner disagrees with applicants' assertion because Durand clearly teaches

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a discloses a matching system comprising compatibility screening that could be used to *screen* the candidates' profile traits/personality. Note column 1, lines 52-60 of Durand et al.

### Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kurzius et al (U.S. Patent No. 6,385,620) discloses a system for the management of candidate recruiting information and matching an employer job posting criteria and personality trait with an employee qualification profile.

b. McGovers et al (U.S. Patent No. 6,370,510) discloses a method for matching an employer's position with a data provided by a job seeker's, and generating a **list** of job positions to the job seeker. Note col. 4, lines 14-26).

c. Dialog (file 9, Accession No. 01007135) discloses "Interactive Jobs Network Matches Jobs & Employers".

d. Dialog (file 15, Accession No. 00803018) discloses "Key Competencies are measured by work-relevant questionnaires".

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,



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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on weekdays from 8:00 a.m to 4:30 p.m.

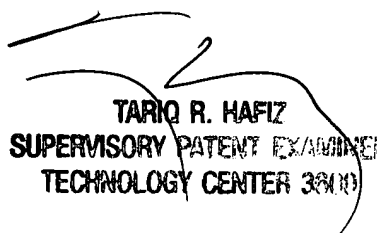
If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R. Hafiz, can be reached at (703) 305-9643.

The fax number for Formal or Official faxes to Technology Center 3600 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-3900.

Romain Jeanty.

September 20, 2002.

  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600